

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHONG SOOK LIM,

Plaintiff,

v.

JENNIFER MENNE and MELANIE
HUERTA,

Defendants.

Case No. 1:20-cv-01049-NONE-SKO

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND DIRECTING
SERVICE BY THE UNITED STATES
MARSHALS SERVICE WITHOUT
PREPAYMENT OF COSTS**

The Court previously found service of Plaintiff's Second Amended Complaint appropriate. (Doc. 10.) In view of the receipt of completed service documents (*see* Doc. 12), the order to show cause (Doc. 11) is hereby DISCHARGED, and, pursuant to Federal Rule of Civil Procedure 4(c), it is HEREBY ORDERED that:

1. For **each** defendant to be served, the Clerk of the Court is directed to forward the following documents to the United States Marshals Service:
 - a) One completed and issued summons;
 - b) One completed USM-285 form;
 - c) One copy of the Second Amended Complaint filed October 19, 2020, plus an extra copy for the Marshals Service; and
 - d) One copy of this order, plus an extra copy for the Marshals Service.
2. Within ten days from the date of this order, the Marshals Service is directed to notify the following defendants of the commencement of this action and to request a waiver of service in accordance with the provisions of Fed. R. Civ. P. 4(d) and 28 U.S.C. § 566(c):

Jennifer Menne
Melanie Huerta

3. The Marshals Service shall file returned waivers of service as well as any requests for waivers of service that are returned as undelivered as soon as they are received.
4. If a waiver of service is not returned by the defendants within thirty days of the date of mailing the request for waiver, the Marshals Service shall:
 - a) Personally serve process and a copy of this order upon the defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).
 - b) Within ten days after personal service is effected, the Marshals Service shall file the return of service for the defendants, along with evidence of any attempts to secure a waiver of service of process and of the costs subsequently incurred in effecting service on said defendants. Said costs shall be enumerated on the USM-285 form and shall include the costs incurred by the Marshals Service for photocopying additional copies of the summons and the Second Amended Complaint and for preparing new USM-285 forms, if required. Costs of service will be taxed against a personally-served defendant in accordance with the provisions of Fed. R. Civ. P. 4(d)(2).
5. **If a defendant waives service, they are required to return the signed waiver to the Marshals Service. The filing of an answer or a responsive motion does not relieve a defendant of this requirement, and the failure to return the signed waiver may subject a defendant to an order to pay the costs of service pursuant to Fed. R. Civ. P. 4(d)(2).**
6. Once a defendant either waives service or is personally served, that defendant is required to respond to the Second Amended Complaint.

IT IS SO ORDERED.

Dated: March 17, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE